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FINAL ORDER

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The Applicant in this matter, Michael Butler, did not appear at the hearing either personally or through a representative. Therefore, there being no showing by the Applicant that the requirements of MCA 85-2-311 have been met, Application for Beneficial Water Use Permit No. 44339-s43B is hereby denied.

The Department's Final Order may be appealed in accordance with the Montana Administrative Procedures Act by filing a petition in the appropriate court within thirty (30) days after service of the Final Order.

DONE this 14<sup>th</sup> day of April, 1983.

David L. Pengelly, Hearing Examiner  
Department of Natural Resources  
and Conservation  
32 S. Ewing, Helena, MT 59620  
(406) 449 - 3962

CASE # 44339

AFFIDAVIT OF SERVICE  
FINAL ORDER

STATE OF MONTANA                    )  
  ) ss.  
County of Lewis & Clark )

Cheryl L. Wallace, an employee of the Montana Department of Natural Resources and Conservation, being duly sworn on oath, deposes and says that on April 15, 1983, she deposited in the United States mail, certified return receipt mail, an order by the Department on the Application by Michael Butler, Application No. 44339, for an Application for Beneficial Water Use Permit, addressed to each of the following persons or agencies:

1. Michael Butler, 14023 Valley Vista, Sherman Oaks, CA 91423
2. Martin & Gayleen Malone, P.O. Box 152, Livingston, MT 59047
3. William R. Sinnett, Star Rt. Box 160, West Yellowstone, MT 59758
4. Byron Robb, Attorney at Law, P.O. Box 531, Livingston, MT 59047
5. Kent Roberts, Hearing Examiner, Helena, MT (hand deliver)
6. Scott Compton, Bozeman Field Office (inter-department mail)

DEPARTMENT OF NATURAL RESOURCES AND  
CONSERVATION

by Cheryl L. Wallace

STATE OF MONTANA                    )  
  ) ss.  
County of Lewis & Clark )

On this 14th day of April, 1983, before me, a Notary Public in and for said state, personally appeared Cheryl L. Wallace, known to me to be the Hearings Recorder of the Department that executed this instrument or the persons who executed the instrument on behalf of said Department, and acknowledged to me that such Department executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Judy Lohr  
Notary Public for the State of Montana  
Residing at Montana City, Montana  
My Commission expires 3/1/85

**CASE # 44339**